

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NEVADA DEPARTMENT OF
CORRECTIONS,

Plaintiff,

v.

RUSSELL COHEN, JIMMY EARL DOWNS,
TRAVERS A. GREENE, and PAUL
BROWNING,

Defendants.

03:07-CV-00266-LRH-RAM

ORDER

Presently before the court is intervenor Jimmy Earl Downs's ("Downs") Motion to Dismiss Russell Cohen as a Party Defendant (# 51¹). NDOC has filed a Response (# 56), and Downs replied (# 59).

Downs's motion asks this court to dismiss Russell Cohen as a party defendant in this action and to amend the caption to reflect Downs as a defendant. Downs states that he is experiencing problems with the prison law library because his name is not in the caption. NDOC opposes the motion arguing that the Federal Rules of Civil Procedure do not provide a mechanism for an intervenor to dismiss a named Defendant.

The court agrees that the dismissal of Russell Cohen as a defendant is not appropriate.

¹Refers to the court's docket number.

1 Nevertheless, the court will amend the caption of this case to reflect Downs's status as a defendant
2 in this action. Additionally, in light of the court's May 8, 2008, Order (# 75), the court will amend
3 the caption of this case to reflect the status of Travers A. Greene and Paul Browning as defendants
4 in this action.

5 IT IS THEREFORE ORDERED that Downs's Motion to Dismiss Russell Cohen as a Party
6 Defendant (# 51) is hereby GRANTED in part and DENIED in part. Downs's motion is DENIED
7 to the extent Downs is seeking the dismissal of Russell Cohen. Downs's motion is GRANTED to
8 the extent Downs requests the caption of this case be amended. The caption of this case is hereby
9 amended as reflected in this order.

10 IT IS SO ORDERED.

11 DATED this 22nd day of May, 2008.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE